

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

HERMAN TOWNSEND,

Plaintiff,

v.

WARDEN C. HINSLEY, et al.,

Defendants.

No. 03-CV-0237-DRH

MEMORANDUM and ORDER

HERNDON, District Judge:

This matter comes before the Court for case management. Although Townsend has been proceeding *in forma pauperis* in this case, the Court concludes that he should have not been given permission to do so, thus, the Court **REVOKES** Townsend's IFP status based on the following. Under the Prison Litigation Reform Act, a prisoner may not be granted IFP status if he has on three prior occasions filed civil suits or appeals that were dismissed for frivolousness or failure to state a claim, unless he is in immediate danger of serious physical injury. **28 U.S.C. § 1915(g)**. Prior to the filing of this suit on April 14, 2003, Townsend has had three prior prisoner actions dismissed on the grounds that they were frivolous, malicious or failed to state a claim upon which relief may be granted. ***See e.g. Townsend v. Moore*, Case No. 00-cv-1392 (C.D. Ill. August 14, 2001; Doc. 39); *Townsend v. Herndon*, Case No. 02-cv-6500 (N.D. Ill. September 27, 2002; Doc. 5); *Townsend v. Herndon*, Case No. 03-1006 (7th Cir. March 19, 2003)**. Further,

the allegations in the underlying complaint do not show that Townsend is under immediate danger of serious physical injury.

Because Townsend has had three prior dismissals and is not under imminent danger of serious physical injury, the Court may not address the merits of his complaint until he has paid the full docket fee. Townsend shall tender the full filing fee for this case, **\$150.00** within fourteen days of this Order or this case will be dismissed with prejudice.¹

IT IS SO ORDERED.

Signed this 21st day of March, 2007.

/s/ David RHerndon
United States District Judge

¹At the time Townsend filed this case the filing fee for civil cases was \$150.00. Now, the filing fee for civil cases is \$350.00.